

translation of Section 54a:

#### Underground Cabling

##### Section 54a

(1) The avoidance of conflicts of utilization is also deemed to be a public interest that must be considered in the procedure for granting a building and operation permit for line systems.

(2) To protect public interest in accordance with Par. 1, line systems with a rated voltage greater than 110 kV may in future be installed in sensitive areas only as buried cable on sections where it is technically and economically efficient to do so.

(3) Sensitive areas are deemed to be areas in which the distance measured from the axis of a line system would be less than the following:

1. 400 m between an overhead line and building land shown in the local authority zoning plan that comes within the categories cited in Section 30, Paragraph 1 Items 1 to 5 and 9 of the Salzburg Regional Planning Act 2009;
2. 200 m between an overhead line and individual buildings in permanent residential use on areas of land not dedicated in accordance with Section 30 Paragraph 1 Items 1 to 5 and 9 of the Regional Planning Act 2009.

(4) A buried cable section is technically and economically efficient if

- a) from an electrical engineering perspective underground cabling is entirely feasible, having consideration for the requirements of safe operation;
- b) the composition of the ground in the section concerned permits underground cabling without endangering safe operation;
- c) any additional expense arising from underground cabling is reasonable when compared with an overhead line where the latter would only have a minimum possible negative impact on the public interest in accordance with Paragraph 1, taking into consideration the requirements for safe operation and the economic defensibility of the expense. When establishing this comparison, the following in particular must also be taken into account according to local conditions: the added value of underground cabling with regard to tourism, property values in the sensitive area, space saving, as well as faster project implementation due to the avoidance of conflict.

(5) Any application aimed at obtaining a permit for an overhead line with a rated voltage greater than 110 kV in sensitive areas must also be accompanied by documents concerning the non-existence of any of the preconditions for underground cabling in accordance with Paragraph 4 Items a to c. The permit may only be granted in such a case if the line system has the minimum possible negative impact on the public interest in accordance with Paragraph 1, taking into consideration the requirements for safe operation and the economic defensibility of the expense.

(6) Paragraphs 1 to 5 also apply to significant changes to an existing overhead line with a rated voltage greater than 110 kV. Significant changes in this regard also include horizontal rerouting of the line by at least 10 m over a continuous length of 5 km, whereby shorter sections within a line system are also to be added together if the individual sections are changed separately but within a period of 10 years, as well as any increase to the rated voltage level or any significant increase in the transmission capacity."

31. In Section 57 Paragraph 1 the words "permit of" are deleted.

32. In section 69 the word "state government" is replaced by the word "authority".

33. In Section 70 Paragraph 2, Item 4 reads:

"4. one representative each from Salzburg AG for Energy, Transport and Telecommunication, Salzburg Netz GmbH and Verbund-Austrian Hydro Power AG;"

34. In Section 73 the following amendments are made:

34.1. In the first sentence of Paragraph 1:

34.1.1. In Item 5 the reference to "Section 37 Paragraph 1" is replaced by a reference to "Section 37".

34.1.2. Items 6, 8 and 9 are deleted.

34.1.3. The following is added after Item 18:

“19. breaches obligations in accordance with Section 30 Paragraphs 3 to 5;  
20. breaches provisions of Regulation (EC) No. 1228/2003 of the European Parliament and of the Council of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity, published in OJ No. L 176 on the 15 July 2003.”

34.2. Paragraph 2 is replaced by the following provisions:

“(2) Regulatory offences in accordance with Paragraph 1 Items 1, 2, 4, 5, 7, 10, 11, 14, 19 and 20 are punishable by a fine of up to € 30,000 and, in the event of default, by imprisonment of up to six weeks for failure to pay a fine. Breach of an obligation in accordance with Section 30 Paragraph 3 is punishable by a fine of at least € 10,000.

(3) Regulatory offences in accordance with Paragraph 1 Items 3, 12, 13 and 15 to 18 are punishable by a fine of up to € 10,000.

(4) In the case of Paragraph 1 Items 2, 3, 10 and 14, the punishable offence does not end until the unlawful circumstance has been removed.”